```
1 TERRY A. DAKE, LTD.
    11811 North Tatum Boulevard
 2
    Suite 3031
    Phoenix, Arizona 85028-1621
 3
    Telephone: (480) 368-5199
    Facsimile: (480) 368-5198
 4
    tdake@cox.net
 5
    Terry A. Dake - 009656
    Attorney for Trustee
 6
 7
                     IN THE UNITED STATES BANKRUPTCY COURT
                          FOR THE DISTRICT OF ARIZONA
 8
 9
    In re:
                                         In Chapter 7 Proceedings
    GARY A. MARTINSON,
10
    RONNA L. MARTINSON,
                                         Case No. 2:09-BK-33841-RJH
11
                         Debtors.
12
                       MOTION TO APPROVE SALE OF ASSETS
13
14
              The trustee moves this Court for the entry of an order
    approving a sale of assets of the estate. The trustee's motion is more
15
    fully set forth in and is supported by the following Memorandum Of
16
    Points And Authorities.
17
              DATED June 8, 2010.
18
19
                                    TERRY A. DAKE, LTD.
20
                                   By /s/ TD009656
                                     Terry A. Dake
21
                                     11811 North Tatum Boulevard
                                     Suite 3031
22
                                     Phoenix, Arizona 85028-1621
                                     Attorney for Trustee
23
24
25
26
27
28
```

MEMORANDUM OF POINTS AND AUTHORITIES

The trustee has received from Asset Group¹ an offer to purchase all assets of the estate, with certain limited exceptions. The assets to be sold include all tangible and intangible personal property of the estate, and all real property of the estate, excluding any exempt assets of the debtors,² and all avoidance rights of the estate under 11 U.S.C. §§544-551. Other than the exempt assets of the debtors, the only other assets which are excluded from this sale are the following items:

- 1. All cash currently held by the trustee.
- 2. All amounts due to the estate by Lohman Company, PLL $ar{f c}$

The purchase price for these assets will be \$250,000.00. Further, the estate shall retain the right to be paid 10% of the net recovery on any of these assets, after the purchaser has first recovered \$250,000.00 from the assets. The "net recovery" shall be defined as the gross recovery less attorneys' fees and costs incurred in connection with the recovery and liquidation of any of the assets.

The buyer shall have complete control over the methods and procedures employed to recover on any of the assets purchased. However, any settlements shall require approval by this Court. The trustee may object to the reasonableness of any proposed settlement and this Court

The final purchaser may be an assignee of Asset Group. Asset Group is an unincorporated association comprised of the plaintiffs in Adv. No. 2:10-ap-00743-RJH.

The trustee has objected to the allowance of certain exemptions. Admin. Docket No. 69. The purchaser will take over the prosecution of the objection and will be entitled to the recovery of any assets which are determined by the Court to be non-exempt.

shall retain jurisdiction to determine whether the proposed settlement is reasonable.

The trustee believes that this proposed sale is reasonable and in the best interest of the estate. The proposed sale provides an immediate and certain return to the estate, and allows the estate the potential for additional recovery without additional expense.

The agreed upon amount of \$250,000.00 shall be paid to the trustee by the purchaser not later than ten (10) days after the entry of an order approving this sale. Upon payment in full, the assets shall vest in the purchaser without further order of the Court.

Finally, the trustee understands that certain claims under Sec. 523 are being pursued by Asset Group. To the extent that there is an actual or potential conflict of interest in the pursuit of those claim and the potential recovery that is due to the estate under this sale, the trustee expressly waives that conflict, if any.

WHEREFORE, the trustee prays for the entry of an order approving a compromise with the debtor as set forth herein.

DATED June 8, 2010.

TERRY A. DAKE, LTD.

By /s/ TD009656 Terry A. Dake 11811 North Tatum Boulevard Suite 3031 Phoenix, Arizona 85028-1621

27

28

1	APPROVED AND AGREED:
2	APPROVED AND AGREED: Vishmu R. Journal agadda, Esa, on behalf of
3	RANDY NUSSBAUM NUSSBAUM & GILLIS, P.C.
4	14500 N. NORTHSIGHT BLVD #116
5	SCOTTSDALE, AZ 85260 480-609-0011
6	Fax: 480-609-0016 Email: rnussbaum@nussbaumgillis.com
7	Attorneys for Purchaser
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
- 22	
23	